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EXAMINER	
ASHBURN, STEVEN L	
ART UNIT	**PAPER NUMBER**
3714	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/642,192	LEMAY ET AL.	
	Examiner	Art Unit	
	Steven Ashburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44 and 47-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44 and 47-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 11, 12, 15, 16, 18, 19, 22, 23, 24, 32, 34, 36, 38, 39, 41, 42, 44 and 47-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al, U.S. 6,113,492 (Sep. 5, 2000) in view of Chamoff et al., U.S. 4,468,750 (Aug. 28, 1984), Barakai et al., U.S. 5,103,079 (Apr. 7, 1992) and Nair et al., U.S. 5,466,920 (Nov. 14,1995).

Walker discloses a gaming machine in which the CPU acts as a controller for controlling a wagering game and its associated peripherals including a player tracking device. *See fig. 1; col. 5:6-32.* The particular features of the listed claims are discussed below.

Claims 1, 24 and 44: Walker teaches the following features:

a. A housing. *See fig. 1(100).*

b. A master gaming controller ("MGC") mounted with the housing designed and configured to control games played on a gaming machine and directly controlling operating features of a plurality of physical devices in response to player tracking events. *See fig. 1(110).*

c. A main display coupled to the housing used to display games controlled by the gaming controller. *See fig. (132, 134, 136).*

d. Devices coupled to the housing for accepting indicia of credit for making wagers on the gaming machine. *See fig. 1(142-145, 148).*

e. Output devices coupled to the housing for dispensing indicia of credit. *See fig. 1. .*

f. Input deices coupled to the housing for inputting player-tracking information . *See fig. 1(160).*

g. A communication interface for transmitting player-tracking information to a site outside the gaming machine. *See fig. 1(150).*

h. A memory storing game device software that allows the master gaming controller to operate on the game event and allows the master gaming controller to provide gaming services. *See fig. 1(116, 118).*

In addition, the gaming system disclosed by Walkers provides player-tracking services, including evaluating player tracking events, through a player tracking unit operatively connected to the MGC . *See fig. 1(160), 11, 12.* However, the disclosure does not discuss whether software for the player tracking unit is executed within the MGC or the player tracking unit itself. Thus, it cannot be conclusively stated that Walker teaches a MGC which executes player-tracking software for performing player-tracking functions and for providing player tracking services; directly controls the operating features of a plurality of physical devices to perform the functions of a player tracking unit without a separate player-tracking unit providing player-tracking services comprised of player tracking devices; and a executes player tracking software to operate the player-tracking devices. Regardless, as discussed below, these features would have been obvious to an artisan at the time of the invention.

It is well known that a typical gaming controller is capable controlling several simultaneous tasks including executing a software application and controlling a plurality of peripherals devices. For example, Walker illustrates a controller executing a wagering game application while controlling a coin hopper, coin acceptor, various selectors and a reel controller. *See fig. 1.* Moreover, Walker teaches that the functions of the peripheral devices having embedded controllers may instead by performed entirely by software executed by the main controller. *See col. 5:20-33.* Thus, it is within the ordinary skill of a

gaming artisan to execute software for peripheral game devices within a MGC or the player tracking unit itself

Furthermore, it is known in the analogous arts to execute software for controlling and evaluating data from a transaction input device within the central controller rather than a transaction input unit itself. For example, Chamoff discloses that before 1985 it was common practice for transaction input devices to lack high level functions of their own, and instead rely software executed entirely within on a central central controller. *See col. 2:65-3:6.* This common practice would have been within the ordinary knowledge of a gaming artisan.

Still furthermore, it is known in the analogous arts to execute software for controlling and evaluating data from a transaction input unit comprised of a card reader, display and keypad within a central controller rather than the transaction unit itself. In particular, Barakai discloses a transaction input unit for controlling and tracking data cards. As in Walker, the system is comprised of a central controller, card reader, keypad and display. *See fig. 1.* In contrast to Walker, Barakai explicitly states that the controller is suitable for running programs and directly controlling the card reader, keypad and display. *See col. 2:58-3:6.* Thus, it is known in the art to execute software for controlling and managing transaction input units entirely within the central controller rather than within the transaction input device itself.

The transaction input units discussed above are equivalent to the player tracking unit claimed by the applicant because the function in substantially the same way for the same purpose. Vending machines, cash registers and slot machine all fall within the broader category of point-of-sale devices. Each type of device contains a combination of user interface unit to input and display data to obtain goods and services at a point of sale. In the case of a vending machine, the point of sale device provides a good. In the case of a gaming device, the point of sale device provides a game of chance. Thus, the methods

and systems used in point-of-sale devices are within the knowledge of gaming artisans and are applicable to gaming machines.

The motivation to modify the Walker to execute software for the player tracking unit within the MGC rather than the player tracking unit itself is within the ordinary knowledge of an artisan. Namely, elimination of components from a transaction input unit reduces the unit's cost and simplifying the process of manufacturing it. *See, e.g., Nair et al., U.S. 5,466,920 (Nov. 14, 1995).*

Consequently, in view of the prior art discussed above, it would have been obvious to modify Walker, wherein a game controller controls a plurality of peripheral devices, to include the feature of executing software for the player tracking units within the controller and thereby evaluate player tracking events; directly control operating features of a plurality of physical devices to perform the functions of a player tracking unit without a separate player-tracking unit providing player-tracking services comprised of player tracking devices. The modification would enhance the system by reducing the player-tracking unit's cost and simplifying the process of manufacturing it. *See id.*

Claim 2. Barakai discloses a memory for storing software allowing the controller to perform user-tracking functions. *See col. 2:58-3:3.*

Claims 3 and 38. Walker teaches a keypad, card reader, a pushbuttons and a display. *See fig. 1.* Touch-screens, microphones, wireless interfaces and barcode readers are equivalent devices known in the art as being substitutable for the purpose of receiving inputs from patrons.

Claims 4 and 34. Walker additionally teaches a display device for displaying player tracking information. *See id.*

Claims 6 and 41. Walker additionally teaches gaming machine is a slot machine, video slot machine, keno game or video poker game. *See fig. 1, 6, 7; col. 3:57-65.*

Claims 7 and 39. Walker teaches a communication interface connected to a network. *See fig. 1, 6, 7.*

Claim 11. Walker additionally teaches gaming machine memory storing software for device interfaces that allow the controller to detect player-tracking events from the input device. *See fig. 1, 6, 7; col. 14:60-15:24.*

Claim. 12. Walker teaches a device interface is a card reader, monitor; touch screen display, keypad, or panel buttons. *See id.*

Claim 15. Walker additionally exchanging data with a server outside the gaming machine. *See fig. 1, 6, 7.*

Claim 16. Walker additionally teaches memory storing software for receiving player tracking events from a site outside the gaming machine. *See fig. 1, 6, 7; col. 5:5-33, 12:35-55.*

Claim 18. Walker additionally teaches memory storing software allowing the controller to receive player tracking information from a site outside the gaming machine and send player tracking information to the site using one or more communication protocols. *See fig. 1, 6, 7; col. 13:19-26, 14:60-15:12.*

Claim 19. The gaming device suggested by Walker in view of Chamoff, Barkai and Nair describes all the features of the claimed subject matter except a "manufacturer player tracking protocol". Regardless of the deficiency, the feature would have been obvious to an artisan. It is notoriously well known in the art that various gaming device manufacturers employ player-tracking protocols of their own design. These protocols serve an equivalent function as non-manufacturer specific protocols. It would have been obvious to an artisan at a time prior to the invention to modify the gaming device suggested by Walker in view of Chamoff, Barkai and Nair, to support manufacturer player tracking protocols to offer a gaming device compatible with manufacture specific player tracking systems and thereby enhance the system marketability by supporting player tracking systems currently in use.

Claims 22 and 36. Barakai discloses non-volatile memory for storing user-tracking events. *See col. 2:58-3:3.*

Claim 23. Walker additionally teaches a wireless communication interface. *See col. 12:47-55.*

Claim 32. Walker additionally exchanging data with a server outside the gaming machine. *See fig. 1, 6, 7.*

Claim 42. Walker additionally teaches player tracking event is an encapsulated information packet. *See id.* More specifically, *Walker* transmits player-tracking events between a gaming device and a server over an Internet connection that uses TCP/IP. Hence, it is implicit that player-tracking events are transmitted as encapsulated information packets.

Claims 47 and 48. The gaming device suggested by Walker in view of Chamoff, Barkai and Nair describes all the features of the claimed subject matter except a touch screen, microphone, wireless communication interface, or bar code reader. Regardless, these input devices are well known interfaces for interactive devices to receive data from a user. Consequently, it would have been obvious to an artisan at the time of the invention to modify the gaming device described by *Walker* to add the features of inputting player tracking data through touch screen, microphone, wireless communication interface, bar code reader, or combination thereof to tailor the user inputs devices to meet the needs and tastes of different users and operators and thereby increase the utility of the device.

Claims 49. Walker additionally teaches receiving player tracking information from physical devices. *See fig. 1(164, 166).*

Claims 50. Walker additionally teaches displaying tracking information to physical devices. *See fig. 1(102).*

Claims 51. Walker additionally teaches tracking game usage by individual players using the gaming machine. *See fig. 11, 12.*

Claims 52. Walker additionally teaches tracking game usage by individual players using the gaming machine. *See id.*

Claim 53. Walker additionally teaches receiving player tracking information from remote gaming devices. *See fig. 1(164, 166).* Data from remote gaming devices is stored on the player tracking server and transmitted to the gaming device.

Claims 5, 8, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barkai and Nair, as applied to claims 1, 24 and 44 above, in further view of Acres, U.S. Patent 6,317,852 (Apr. 16, 2002) (hereinafter "*Acres '832*").

Claims 5 and 35. The gaming device suggested by Walker in view of Chamoff, Barkai and Nair describes all the features of the claims except a display device that is a monitor, LCD, florescent display or sound projection device. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Acres*.

Acres '832 discloses an analogous player tracking input device wherein the input device includes a vacuum florescent display (VFD) and a speaker. *See col. 4:30-34*. Additionally, it is notoriously well known to employ monitors (e.g. CRTs) and LCDs as display devices. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify The gaming device suggested by Walker in view of Chamoff, Barkai and Nair, wherein a display is used to inform player of player tracking information, to employ a CRT, LCD, VFD, or speaker to clearly communicate to players the status of a player tracking device transaction.

Claims 8 and 40. Acres '832 additionally describes linking a game to a both a progressive and bonus game network. *See col. 3:55-4:12*.

Claims 9, 10 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barkai and Nair, as applied to claims 1, 24 and 44 above, in further view of Lichtman, U.S. 5,819,107 (Oct. 6, 1998).

Claim 9. The gaming device suggested by Walker in view of Chamoff, Barkai and Nair teaches all the features of the claim except storing software for one or more device drivers in memory that allows the master gaming controller to operate at least some of the input devices. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of Lichtman.

Lichtman discloses a method for interfacing a peripheral devices in a computer to simplify the process of installation or upgrading of components. *See col. 3:6-30.* In specific regards to the claimed subject matter, Lichtman discloses storing software for one or more device drivers in memory that allows the master gaming controller to operate at least some of the input devices. *See col. 4:64-5:7.*

In view of Lichtman, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by The gaming device suggested by Walker in view of Chamoff, Barkai and Nair, wherein a plurality of peripheral devices are interfaced to a central processor in a networked gaming device, to add the feature of storing a plurality of device drivers in memory that support a plurality of industry standard and manufacturer specific communication protocols such that device driver may be replaced without changing the interface. The modification would simplify the installation or upgrading of gaming device peripherals, including player-tracking devices, by reducing the time and expense required to solve hardware and software integration problems.

Claims 10 and 27. Lichtman additionally teaches supporting various device driver and communication protocols. *See fig. 1-7.* NetPlex, USB, Ethernet, Firewire, direct memory map, PCI, serial or parallel are known, industry standard protocol. Thus, it would have been obvious to an artisan at the time of the invention to modify the gaming device suggested by Walker in view of Chamoff, Barkai and Nair and Lichtman, wherein the system supports various protocols for external devices, to add the features of NetPlex, USB, Ethernet, Firewire, direct memory map, PCI, serial or parallel are known,

industry standard protocol and thereby allow the system to support devices commonly used in the industry.

Claims 25 and 30. The gaming device suggested by Walker in view of Chamoff, Barkai, Nair and Lichtman describes a networked gaming device wherein a player tracking device is interfaced with a gaming controller which transmits data to a remote server to evaluate player tracking events. Furthermore, Lichtman discloses devices drivers for interfacing the controller and the peripheral devices using a various communication protocols. Hence the combination describes all the features of the instant subject matter except software for translating communication protocols. Regardless, it is notoriously well known to provide communication protocol translators to allow devices operating with one protocol (e.g. SCSI) to communicate with devices using a second protocol (e.g. Ethernet). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the network gaming system suggested by Walker in view of Chamoff, Barkai and Nair and Lichtman, wherein the devices operate with a plurality of protocols are connected to a network, to add the feature of a communication protocol translator to format the data generated by a device in a manner compatible with the network in order to communicate data generated by a player tracking device to a remote server.

Claims 26 and 28. Walker additionally teaches a device interface is a card reader, monitor; touch screen display, keypad, or panel buttons. *See fig. 1, 6, 7; col. 14:60-15:24.*

Claim 29, Lichtman additionally teaches replacing a first device driver with a second device driver different from the first device driver wherein interface corresponding the device drivers is not changed. *See fig. 4a-c, 5, 11b; 8:54-9:54.* More specifically, Lichtman allows selection and changing of

a plurality of devices drivers to support a plurality of peripheral devices without changing the interface. *See id.*

Claim 31. The gaming device suggested by Walker in view of Chamoff, Barkai, Nair and Lichtman describes all the features of the claimed subject matter except a "manufacturer player tracking protocol". Regardless of the deficiencies, the features would have been obvious to an artisan. It is notoriously well known in the art that various gaming device manufacturers employ player-tracking protocols of their own design. These protocols serve an equivalent function as non-manufacturer specific protocols. It would have been obvious to an artisan at a time prior to the invention to modify the player tracking system suggested by Walker in view of Chamoff, Barkai, Nair and Lichtman to support manufacturer player tracking protocols to offer a gaming device compatible with manufacture specific player tracking systems and thereby enhance the system marketability by supporting player tracking systems currently in use.

Claims 13, 14 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barkai and Nair, as applied to claims 1, 24 and 34 above, in further view of Boushy, U.S. Patent 6,183,362 (Feb. 6, 2001).

The gaming device suggested by Walker in view of Chamoff, Barkai and Nair describes all the features of the instant subject mater except connecting the communication interface to two different networks using the same communication connection wherein the connection is Ethernet. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of Boushy.

Boushy discloses an analogous player tracking system wherein gaming devices are connected to two different networks using the same communication connection wherein the connection is Ethernet.

See fig. 1; col. 2:15-53. The system allows a player tracking networks from different casino properties to share player-tracking information. *See id.*

In view of Boushy, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by tWalker in view of Chamoff, Barkai and Nair, wherein a gaming device is connected to a network for player tracking, to add the feature of connecting the gaming device to two different networks using the same communication connection to share player tracking information between casino properties and thereby develop more complete player tracking data.

Claims 17, 21, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barkai and Nair, as applied to claims 1, 24 and 34 above, in further view of Acres et al., U.S. Patent 5,702,304 (Dec. 30, 1997) (hereinafter "Acres '304").

Claims 17 and 33. The gaming device suggested by Walker in view of Chamoff, Barkai and Nair describes all the features of the instant subject matter except collecting data on time and date. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of Acres '304.

Acres '304 discloses an analogous player tracking system wherein the system collects data including time of play. *See col. 3:19-35.* In view of Acres '304, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by Walker in view of Chamoff, Barkai and Nair to add the feature of tracking date and time data to allows operators to compile gambling timing data and thereby enhance the operators ability to predict gambling habits and thereby tailor incentive to maximize revenues.

Claims 21 and22. Acres '304 additionally describes detecting power failures and storing data in non-volatile data to increase the reliability of player tracking data in case that a gaming device losses power. *See col. 9:17-33.*

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barkai and Nair, as applied to claims 1, 24 and 44 above, in further view Pease, U.S. Patent 5,766,076 (Jun. 16, 1998) and Kelly, U.S. Patent 6,293,865 (Sep. 25, 2001)

The gaming device suggested by Walker in view of Chamoff, Barkai and Nair describes a player tracking system with a device that inputs player tracking information from a card to identify a player and associate the player with tracking and account data. *See col. 5:5-20, 12:35-46.* Hence, the gaming device suggested by the combination of Walker in view of Chamoff, Barkai and Nair describes all the features of the instant subject matter except finger prints, sound devices, bar-coded tickets, wireless devices and PDAs.

Pease describes an analogous player tracking system in which a card reader receives a card encoded with identification data. *See col. 3:36-4:9.* It suggests that identification may be also be provided by voice print, retinal scan, fingerprint, smart cards or other identification configured with a memory and microprocessor. *See id.* Magnetic cards, smart cards, finger prints, sound devices and bar-coded tickets are known equivalents for identifying a player at a gaming device using encoded documents or biometric data.

Kelly discloses another analogous system for network gaming wherein player identification is required to access data stored in a remote database on a server. *See col. 3:31-39.* It describes transferring identification information with a game unit using a PDA's wireless link. *See col. 3:59-62.*

In view of Pease and Kelly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the network gaming device suggested by Walker in view of Chamoff,

Barkai and Nair, wherein identification cards are used as player tracking inputs, to add the features of finger prints, sound devices, bar-coded tickets, wireless devices and PDAs to enhance the player tracking system by accepting different identification means offering various levels of security, convenience and cost.

Response to Arguments

Applicant's arguments with respect to claims 1-44 and 47-53 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, Primary Examiner Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

s.a.

MARK SAGER
PRIMARY EXAMINER